

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

TITAN TRANSFER, INC.,

Plaintiff,

v.

ERICK E. JIMENEZ

Defendant.

Civil Action No.: 7:20-cv-549

COMPLAINT

Plaintiff, Titan Transfer, Inc. (“Titan”), by counsel, hereby moves this Court for judgment and execution against the Defendant, Erick E. Jimenez (“Jimenez”), on the grounds and amount as set forth herein.

Parties

1. At all relevant times herein, Titan is a transportation company formed in, and with its principal place of business in, Tennessee.

2. At all relevant times herein, Jimenez is a natural person who resides and is domiciled in the State of Georgia.

Jurisdiction and Venue

3. The Court has original jurisdiction over this Complaint pursuant to 28 U.S.C. § 1332 because the parties are diverse and the amount in controversy exceeds seventy-five thousand dollars (\$75,000.00).

4. In addition, pursuant to Virginia Code § 8.01-328.1(A)(3), personal jurisdiction is granted by Jimenez’s causing a tortious injury to property by act or omission in the Commonwealth of Virginia.

5. Venue is proper in the United States District Court for the Western District of Virginia, Roanoke Division, pursuant to 28 U.S.C. § 1391(b) because a substantial part of the events giving rise to this Complaint occurred in Montgomery County, Virginia.

Factual Allegations

6. On or about December 11, 2019, at approximately 5:25 a.m., Bill E. Torres was operating a tractor-trailer leased by Titan in the right-hand lane of southbound Interstate 81, in Montgomery County, Virginia.

7. At the same time and place, Jimenez was operating a motor vehicle in the left-hand lane. Jimenez failed to maintain his lane of travel and his motor vehicle impacted Titan's tractor-trailer, causing Titan's tractor-trailer to run off the roadway, crash into the guardrail, and overturn.

8. This subject wreck caused property damages to the tractor-trailer as well as other costs totaling \$129,916.43 incurred by Titan.

Negligence

9. Titan repeats and reincorporates the allegations in Paragraphs 1 through 8 as though fully restated herein.

10. Jimenez had a duty to operate the motor vehicle with reasonable care and with due regard for others using the road, including Titan.

11. Jimenez failed to use reasonable care and was negligent in the operation of the motor vehicle in the following respects:

- a. Failed to operate the motor vehicle in a safe and prudent manner;
- b. Failed to keep a proper lookout and be aware of his surroundings;
- c. Failed to give full time and attention to the operation of the motor vehicle;

- d. Failed to operate the motor vehicle at a safe speed for the conditions then existing;
- e. Failed to apply his brakes in a reasonable manner;
- f. Failed to stay within his lane of travel; and/or
- g. Failed to obey traffic laws and regulations.

12. As a direct and proximate result of Jimenez's negligence, and through no negligence of Titan, Jimenez's motor vehicle impacted Titan's tractor-trailer, causing the subject wreck and damages.

13. As a direct and proximate result of Jimenez's negligence, Titan has incurred property damage, towing, storage, and other costs totaling \$129,916.43, for which said amount Jimenez is liable.

14. At the time of this pleading, the aforesaid outstanding total amount remains due, owing and unpaid.

WHEREFORE, Plaintiff demands this Court enter judgment against Defendant in the amount of \$129,916.43, plus pre-judgment interest from December 11, 2019, plus cost expended in this action, post-judgment interest, and such other relief as the Court may deem just and proper.

This 10th Day of September, 2020.

Respectfully submitted,

TITAN TRANSFER, INC.

By: /s/
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